IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4538 OF 2002

IN

CRIMINAL APPLICATION NO. 873 OF 2001

IN

CRIMINAL APPEAL NO. OF 2001

(LEAVE TO APPEAL)

Mr. Mohanlal G. Kukreja ... Appellant

(Orig. Complainant)

Versus

Mr. Natverlal P. Sanghvi & Anr. ... Respondents

Ms. Poonam Mittal for Appellant.

Mr. D.P.Adsule, APP, for the State.

CORAM: J.H.BHATIA,J.

DATE : 11th June, 2007.

P.C.

1. Heard Ms. Poonam Mittal, Counsel for the Applicant. The Applicant had preferred an Application, being Application No. 873 of 2001 seeking Special Leave to prefer an Appeal against the order of acquittal in a case under Section 138 of the Negotiable Instruments Act. That Application was filed on 7th March, 2001.

For long time the Applicant did not remove Office objections and the notice of the Application could not be served on the Respondent-accused. On 12th October, 2001, the Court granted four weeks time to remove Office objections and further directed that if the objections are not renmoved within the stipulated period, the matter would automatically stand dismissed without further reference of the Court. Now the office objections are not removed and on expiry of the period of four weeks, that Application stood dismissed in default.

2. This Application for restoration of that Application is filed on 13th December,2002 i.e. almost 13 months after the dismissal of the matter. The office found that there is delay of one year and 49 days in filing the Application. No valid reasons are given for filing this Application within time. Also, no valid reasons are given for non-removal of office objections inspite of repeated opportunities given in the earlier Application. I see no reason to restore the Application.

3. In the result, the Application stands dismissed.

(J.H.BHATIA,J.)